



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/766,895	12/13/96	DUNNING	D 42390.P3991

LM02/0201

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EXAMINER

VU, H

ART UNIT

PAPER NUMBER

2733

DATE MAILED:

02/01/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
08/766,895

Applicant(s)  
Dunning et al.

Examiner  
Huy D. Vu

Group Art Unit  
2733



☒ Responsive to communication(s) filed on Nov 12, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-27 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-27 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on 10/26/98 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Drawings*

1. Figure 3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).
2. It is noted that the newly submitted formal drawing of figure 3 does not contain the "prior art" label which was proposed in the proposed drawing correction filed on 6/1/98.

### *Claim Rejections - 35 U.S.C. § 112*

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-27 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification fails to teach how the bit pattern is chosen so as it directly provides information regarding routing the packet through the network in its encoded form. It is noted that although an example of how a 8B/10B coding scheme is used to encode, it is not found anywhere in the specification the description of how a bit pattern is chosen as claimed.

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5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 22-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 22, line 4, "the network" lacks proper antecedent basis. Similarly, In claim 25, line 4, "the network" lacks proper antecedent basis.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang (USP 5,442,474) in view of Widmer et al. (In an article entitled "A DC-Balanced, Partitioned-Block, 8B/10B Transmisison Code."

Huang teaches a method for routing a packets of binary digital signals through a network comprising the step of receiving at a switch the packet of binary digital signals as encoded binary digital signals including a bit pattern (routing bits) and the step of copying the bit pattern (routing

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bits) for decoding. Huang differs from the claim in that Huang does not teach that an encoding scheme such that when the bit pattern is encoded, it directly provides information regarding routing the packet through the network in its encoded form. However, 8B/10B coding scheme is well known in the art for coding signals for transmission in a packet network. 8B/10B coding scheme converts 8 bits into 10 bits by adding two additional bits. For example, Widmer et al teaches an 8B/10B transmission coding scheme which adds two bits into an 8-bits input to obtain a 10-bit coded output. It is clear to one skilled in the art that the encoded 10 bit pattern directly provides information of the 8-bit input in its encoded form. Since Huang routing bit is 8-bit wide, its routing bit pattern is suitable for the 8B/10B transmission coding where the encoded 10 bit pattern directly provides the packet routing information carried by the 8-bit routing pattern. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Widmer's teaching of using 8B/10B transmission coding scheme in Huang's system with the motivation being to improve transmission reliability by being able to detect transmission errors.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

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(703) 308-5403 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D. Vu whose telephone number is (703) 308-6602. The examiner can normally be reached on Tuesday - Friday from 8:00 a.m. to 5:30 p.m. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan, can be reached on (703) 305-4729.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

  
**HUY D. VU**  
**PRIMARY EXAMINER**

January 31, 1999